

Serial No.: 10/027,796

Docket No.: 16,487

Amendment dated 23 December 2003

Reply to Office Action mailed 24 September 2003

### **REMARKS/ARGUMENTS**

This application has been reconsidered carefully in light of the Office Action dated as mailed on 24 September 2003. A careful reconsideration of the application by the Examiner in light of the above Amendment and the following remarks is respectfully requested. No new matter has been added to the subject U.S. Patent Application by the above Amendment.

#### **Amendments to the Specification**

Applicants have amended the specification as the Examiner suggested to properly use trademarks.

Applicants have amended the specification to overcome the Examiner's objection to the definition of the term "side seam." This amendment is fully supported throughout the specification, for example at page 13, line 18 through page 14, line 2.

#### **Amendments to the Claims**

Applicants have amended independent Claim 1 to require a ribbon cover *having a first edge portion bonded to the first side panel and a second edge portion bonded to the second side panel, the ribbon cover covering the side seam.* This amendment is fully supported throughout the specification, for example at page 32, line 11 through page 34, line 5 and Fig. 1.

Applicants have amended independent Claim 15 to require a first ribbon cover *having a first edge portion bonded to the front side panel and a second edge portion bonded to the back side panel and extending from the waist opening to the first leg opening, the first ribbon cover covering the first side seam*; and a second ribbon cover *having a first edge portion bonded to the front side panel and a second edge portion bonded to the back side panel and extending from the waist opening to the second leg opening, the second ribbon cover covering the second side seam*. This amendment is fully supported throughout the specification, for example at page 32, line 11 through page 34, line 5 and Fig. 1.

Applicants have rewritten original dependent Claims 5 and 6 in independent form as new Claims 38 and 39, respectively. Withdrawn Claims 9-11 and 19-37 are canceled without prejudice by the above Amendment. New Claims 38 and 39 include all the limitations of original independent Claim 1.

Claims 1-8, 12-18, 38 and 39 remain in the U.S. Patent Application.

#### **Amendments to the Drawings**

Applicants have amended Figs. 1, 4A, 4B, 5, 6A, 6B, 7, 8 and 10 to overcome the Examiner's objections to the drawings as set forth in paragraphs 4 and 7 of the Office Action.

### **Election/Restrictions**

Claims 9, 10, 11 and 19-37 have been withdrawn from further consideration as being drawn to a nonelected invention and species. Please cancel Claims 9-11 and 19-37 without prejudice. The Examiner has indicated that Claims 9 and 14 have also been withdrawn as “these claims were drawn to features not shown in the elected species of Figure 4B, i.e. Figure 4B does not show a standing seam but one that has been folded over and no tearable structure is shown either.” Applicants respectfully traverse the withdrawal of Claim 14.

As shown in Fig. 4B, a ribbon cover 90 is attached or connected to at least a portion of the side seam 80. Further, as set forth in Applicants’ Specification, in one embodiment of this invention, the ribbon cover 90 is tearable such that the ribbon cover 90 can be peeled off the side seam 80 and in the process open the side seam 80 to release the front side panel 34 from the back side panel 134. See Applicants’ Specification at page 32, line 11 through page 34, line 20. Thus, Applicants submit that Fig. 4B and Applicants’ Specification fully support the subject matter claimed in Claim 14. Applicants respectfully request withdrawal of this restriction.

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### **Allowable Subject Matter**

As a preliminary matter, the undersigned wishes to thank Examiner Reichle for the indication that Claims 5 and 6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcoming any formal matters noted in the Office Action.

By the above Amendment, original dependent Claims 5 and 6 have been rewritten as new independent Claims 38 and 39, respectively. Thus, new Claims 38 and 39 are believed to be in condition for allowance and notification to that effect is solicited.

### **Claim Rejections - 35 U.S.C. § 112**

Claims 1-8, 12 and 13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection, particularly in view of the above Amendment and the following remarks.

Applicants have amended the definition of the term "side seam" to refer to a region on a disposable garment, such as a personal care garment, where a front side panel is connected to a back side panel. This amendment is fully supported

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throughout the specification, for example at page 13, line 18 through page 14, line 2.

Applicants respectfully request withdrawal of this rejection.

**Claim Rejections - 35 U.S.C. § 102(b)**

Claims 1-4, 7, 8, 12, 13, 15, 16 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,149,637 ("Allen et al."). Applicants respectfully traverse this rejection, particularly in view of the above Amendment and the following remarks.

Allen et al. discloses a training pants having an outer cover 18 comprising a first section 18a and a second section 18b, each having a top edge 53 which is secured to the chassis 14 and a bottom edge 54 which is not secured to the chassis 14. Preferably, the outer cover 18 resembles a skirt or a pair of boxer shorts. See Allen et al. at Col. 15, line 64 through Col. 16, line 5.

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Allen et al. does not disclose each and every element or limitation of amended independent Claims 1 or 15. Unlike the outer cover 18 as disclosed in Allen et al., the personal care garment of the present invention, as claimed in amended independent Claim 1 includes a ribbon cover *having a first edge portion bonded to the first side panel and a second edge portion bonded to the second side panel, the ribbon cover covering the side seam*. Similarly, the

disposable garment of the present invention, as claimed in amended independent Claim 15 includes a first ribbon cover *having a first edge portion bonded to the front side panel and a second edge portion bonded to the back side panel and extending from the waist opening to the first leg opening, the first ribbon cover covering the first side seam*; and a second ribbon cover *having a first edge portion bonded to the front side panel and a second edge portion bonded to the back side panel and extending from the waist opening to the second leg opening, the second ribbon cover covering the second side seam*. Therefore, Applicants respectfully submit that amended independent Claims 1 and 15 are not anticipated by Allen et al. Further, dependent Claims 2-4, 7, 8, 12 and 13 depend from independent Claim 1 and dependent Claims 16 and 18 depend from independent Claim 15, and are not anticipated by Allen et al.

Applicants believe that the above Amendment and remarks overcome the rejection of Claims 1-4, 7, 8, 12, 13, 15, 16 and 18 under 35 U.S.C. § 102(b). Applicants respectfully request withdrawal of this rejection.

Claims 1, 12, 13 and 15-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,876,394 ("Rosch et al."). Applicants respectfully traverse this rejection, particularly in view of the above Amendment and the following remarks.

Rosch et al. discloses a pant 10 having a suspended cover 14, as shown in Fig. 1 and 2. In another embodiment, as shown in Figs. 4 and 6, the pant 10 includes a cover 14 preferably comprising a cover front panel 94 and a rear panel 96. The front panel 94 and the rear panel 96 of the cover 14 are joined together so as to define a crotch section 98 extending centrally between the front and rear panels 94 and 96.

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Rosch et al. does not disclose each and every element or limitation of amended independent Claims 1 or 15. Unlike the suspended cover 14 or the cover 14 including front panel 94 joined to back panel 96 to form the crotch section 98 as disclosed in Rosch et al., the personal care garment of the present invention, as claimed in amended independent Claim 1 includes a ribbon cover *having a first edge portion bonded to the first side panel and a second edge portion bonded to the second side panel, the ribbon cover covering the side seam*. Similarly, the disposable garment of the present invention, as claimed in amended independent Claim 15 includes a first ribbon cover *having a first edge portion bonded to the front side panel and a second edge portion bonded to the back side panel and extending from the waist opening to the first leg opening, the first ribbon cover covering the first side seam*; and a second ribbon cover *having a first*

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*edge portion bonded to the front side panel and a second edge portion bonded to the back side panel and extending from the waist opening to the second leg opening, the second ribbon cover covering the second side seam.* Therefore, Applicants respectfully submit that amended independent Claims 1 and 15 are not anticipated by Rosch et al. Further, dependent Claims 12 and 13 depend from independent Claim 1 and dependent Claims 16-18 depend from independent Claim 15, and are not anticipated by Rosch et al.

Applicants believe that the above Amendment and remarks overcome the rejection of Claims 1, 12, 13 and 15-18 under 35 U.S.C. § 102(b). Applicants respectfully request withdrawal of this rejection.



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### **Conclusion**

It is believed that the above Amendment places all pending claims in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of the application.

Respectfully submitted,



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Attachments